

Working Draft

CIVIL CASES

**ADMINISTRATIVE PROCEDURES FOR FILING,
SIGNING, AND VERIFYING PLEADINGS AND
PAPERS BY ELECTRONIC MEANS
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA**

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**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, AND VERIFYING
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IN CIVIL CASES**

I. THE ELECTRONIC FILING SYSTEM

A. IN GENERAL. Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents¹ submitted for filing in this district after January 1, 2006 in civil cases, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System (ECF) or the filer may scan documents² and upload them to ECF.³ In the interim, these procedures shall apply to those who have voluntarily elected to file documents via CM/ECF.

Exceptions shall include:

¹The requirement that “all documents” be filed electronically includes briefs, transcripts of proceedings used in support of motions or at trial – a substantial departure from prior district court procedure.

²When scanning documents to be subsequently filed electronically, filing parties should make certain their scanners are configured for 200 dpi and black and white rather than color scanning. The filing party is responsible for the legibility of the scanned document.

Because large documents may not upload properly to ECF or download within a reasonable amount of time for users with a 56K modem, documents over two megabytes will be rejected by ECF and must be broken down into 2 MB segments.

As used in these administrative procedures, a “conventionally” filed or submitted document or pleading is one presented to the Court or a party in paper or other non-electronic, tangible format.

³“Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the Court’s Internet-based System, to file that pleading or document in the Court’s case file. Sending a document or pleading to the Court via e-mail does not constitute “electronic filing.” A document created with almost any word-processing program can be converted to PDF. The PDF program in effect takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. For information on PDF, users may visit the websites of PDF vendors, such as <http://www.adobe.com/products/acrobat/> or <http://www.fineprint.com>.

1. Parties proceeding pro se shall not file electronically without the express permission of the Court.
2. The filing of social security cases shall be subject to the limitations imposed in III(B) of these procedures.
3. A document or case filed under seal shall not be filed electronically, unless allowed by the local CM/ECF software, and will be maintained in paper form until the assigned judge orders the case unsealed.
4. Trial exhibits may be filed electronically only to the extent practicable.
5. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, the assigned judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using ECF.
6. The Clerk of Court or any judge of this Court may deviate from these procedures, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Court may also amend these procedures at any time without prior notice.

B. PASSWORDS. Each attorney admitted to practice in the Southern District of West Virginia shall be entitled to one ECF password from the District Court upon successful completion of Court-conducted training either in West Virginia or any other U.S. district court, or upon a showing that s/he has

completed an on-line tutorial or other off-site training and used CM/ECF in another U.S. district court for a period of at least six months. The password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers. Users are subject to PACER service fees.

1. No attorney shall knowingly permit or cause to permit his or her password to be used by anyone other than an authorized employee of his or her office.
2. Once registered, the attorney shall be responsible for all documents filed with his or her password.
3. Registration for a password is governed by Paragraph I(c).
4. An attorney admitted pro hac vice must register for a temporary password in accordance with these Administrative Procedures. Once a pro hac vice attorney's participation in the respective case has ended, the temporary password shall be terminated.

C. REGISTRATION.

1.
 - a. Attorney Registration Form: Each attorney filing electronically must complete and sign an Attorney Registration Form, attached to these procedures as Form A. The form is also available on the Court's web site at <http://www.wvsc.uscourts.gov/district/index.htm>
 - b. Passwords: The Court will issue passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements within the rules governing admission.
2. Attorneys must mail the original Attorney Registration Forms to the Clerk, U.S. District Court at Post Office Box 2546, Charleston, WV

25329, or deliver to the Clerk's Office at Robert C. Byrd Federal Courthouse, 300 Virginia Street East, Suite 2400, Charleston, West Virginia, 25301.

3. The Clerk's Office will send the attorney an Internet e-mail message after assigning the login and password.
4. Once registered, an attorney may withdraw from participating in ECF by providing the Clerk's Office with a notice of withdrawal. The attorney shall mail such written notice to Clerk, U.S. District Court, Post Office Box 2546, Charleston, WV 25329, or deliver to the Clerk's Office, United States Courts, 300 Virginia Street East, Suite 2400, Charleston, West Virginia, 25301. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in ECF shall not be construed as authorization to file cases or documents conventionally.
5. After registering, attorneys must change their passwords once received. Logins, however, can only be changed by the Clerk's Office. If an attorney believes that the security of an existing password has been compromised and that a threat to ECF exists, the attorney must change his or her password immediately. In addition, the attorney shall immediately notify the Clerk by telephone of the suspected compromise to the password.
6. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney Registration

Form shall timely file with the Clerk a notice of a change of address and serve a copy of the notice on all other parties to any case affected by the attorney's move. (See the Notice of Change of Attorney Information located on the Forms section of the Court's website.)

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. General. Filing shall be the act of placing an event on the official Court docket sheet. All motions, pleadings, applications, briefs, memoranda of law, transcripts of proceedings, or other case documents shall be electronically filed on ECF except as otherwise provided by these administrative procedures.
 - a. Parties may use email ONLY for complaints, notices of removal and other initiating documents that require a filing fee. This procedure will remain in place until such time as the credit card module and case opening function of ECF becomes available in future ECF software releases. Attorneys electing this method must complete Form B attached hereto.
 - b. Emailing any document other than those described in paragraph a. above shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Civil Procedure until the filing party receives a ECF-generated "Notice of Electronic Filing" described in section II(B)1 of these procedures.

2. Complaints.

- a. The Clerk's Office will accept complaints, notices of removal and other initiating documents, with the civil cover sheets, sent by e-mail before the close of business at 5 o'clock P.M., or sent by United States mail, or delivered in person to the Clerk's Office. Complaints submitted by email after 5 o'clock P.M. shall be considered filed the next business day.
 - i. If using e-mail, the filing party must submit the complaint and cover sheet in PDF format. Upon receipt of the e-mail, the Clerk's Office will contact the filing party for a credit card number for payment of the filing fee.⁴ New cases will not be filed until the filing fee has been paid.
 - ii. The filing fee must accompany a complaint sent through the United States mail or personally delivered to the Clerk's Office. The Clerk's Office will scan the complaint and cover sheet and upload them to ECF.
- b. The e-mail address for submitting complaints by e-mail is:
wvsd_newcases@wvsd.uscourts.gov.
- c. Only new complaints, notices of removal, and other documents associated with initiating a civil action, including civil cover sheets and summons forms, may be sent to wvsd_newcases@wvsd.uscourts.gov. The Clerk's office will not

⁴Information on the use of credit cards to pay fees can be found on the Court's Internet site at <http://www.wvsd.uscourts.gov/district/rule.htm> under "General Information."

accept for filing any other pleading or document submitted by email.

- d. A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure 4.

3. Summonses.

- a. The Clerk's Office will receive via personal delivery to the Clerk's office, United States mail, or email in PDF format, summonses to be issued.
- b. For summonses received via personal delivery to the Clerk's office or through the United States mail, the party requesting the summons must complete the summons form. If sending the summons by United States mail, the filing party must submit a stamped, self-addressed return envelope. Once a summons has been submitted, the Clerk's Office will sign and seal the summons, and return the summons to the party by United States mail. Filers may make alternate arrangements to retrieve the summonses at the Clerk's Office.
- c. E-mail summonses in PDF format may be sent to the wvsvd_newcases@wvsvd.uscourts.gov. Clerk's office staff will print, sign and seal the emailed summons, and return the summons to the party by United States mail. Filers who submit summonses via email may make alternate arrangements to retrieve the summonses at the Clerk's Office.

- d. A party may not electronically serve a summons, but instead must perfect service according to the Federal Rule of Civil Procedure 4.

4. Other Documents.

- a. A document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned judge will order that document filed by a time certain.
- b. If filing a document requires leave of the Court, such as an amended complaint or a reply brief, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in section IV below. If the Court grants the motion, the order will direct the attorney to file the document electronically with the Court.
- c. Attachments and exhibits larger than two megabytes must be filed electronically in separate two-megabyte segments.

5. Official Court File

- a. The Clerk's Office shall not maintain a paper court file in any case commenced after the effective date of these procedures except as otherwise provided in these procedures. The official court record shall be the electronic file maintained on the Court's servers. The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures.

- b. Because the electronic file is the official court record, the Judicial Conference has indicated its intention to establish a policy whereby courts destroy all original documents submitted to a court and scanned into CM/ECF.
 - c. Upon request of the filing party within ten days of filing, the Clerk's Office will return all original documents⁵ brought to the Clerk's Office for filing after they are scanned and uploaded to ECF. However, the Court will establish no standing authorizations for the return of all original documents filed by an attorney or pro se filer.
6. Official Transcribers and Contract Court Reporters. In addition to submitting to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable, an official transcriber or contract court reporter must file electronically or submit to the Clerk's office a CD ROM containing the certified transcript of the proceedings in PDF format.

⁵ If an attorney believes a document with original signatures has some intrinsic value, the attorney should retain the original document and submit to the Clerk's Office a copy of the document with faxed or photocopied signatures for scanning and uploading.

B. SERVICE.

1. Whenever a document is filed electronically in accordance with these procedures, ECF will send a “Notice of Electronic Filing” to the filing party, any other party who is a registered user and has requested electronic notice in that case,⁶ and the assigned judge if he or she has elected to receive notice.
 - a. If the recipient is a registered participant in ECF, ECF’s e-mailing of the “Notice of Electronic Filing” shall be the equivalent of service of the document by first class mail.
 - b. Service of the “Notice of Electronic Filing” on a party who is not a registered participant in ECF may be accomplished by e-mail or United States mail, subject to the additional service requirements of B(3) below.
2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form C.
3. A party who is not a registered participant of ECF is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must, therefore, provide the non-registered party with the

⁶ To determine whether another party is a registered user, the filer can select ECF’s “Utilities” category, and then click on “Mailing Information for a Case” on the pull-down menu. The filer then enters the case number and ECF information will appear, stating whether or not the filer must mail a copy or if ECF will electronically generate one.

document according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party may include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.

4. The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.⁷

C. SIGNATURES.

1. Non-Attorney Signature, Generally. If the original document requires the signature of a non-attorney other than a pro se filer, the filing party or the Clerk’s Office shall scan the original document, then electronically file it on ECF.

- a. ***This section does not apply to pro se filers.***

- b. The electronically filed document as it is maintained on the Court’s servers shall constitute the official version of that record. The Court will not maintain a paper copy of the original document.

--Documents that are electronically filed and require original signatures other than that of the filing party must be maintained in paper form by the filing party until 1 year after all time periods for appeals expire. On

⁷Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying deadlines, is for Court use only and should not be relied upon as an accurate computation of the response date.

request of the Court, the filing party must provide original documents for review.

2. Attorney Signature. A pleading or other document requiring an attorney's signature may be scanned, or may be electronically signed in the following manner: "s/ (attorney name)." The correct format for an attorney signature is as follows:

s/ Judith Attorney
Judith Attorney Bar Number: 12345
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Street
Charleston, WV 25301
Telephone: (304) 123-4567
Fax: (304)123-4567
E-mail: judith_attorney@law.com

3. Multiple Signatures. The following procedure applies when a stipulation or other document requires two or more signatures:
 - a. The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
 - b. The filing party or attorney then may file the scanned document, or shall file the document electronically, indicating the signatories, e.g., "s/ Jane Doe," "s/ John Smith," etc., in the format as follows:

s/ Judith Attorney

Judith Attorney Bar Number: 12345

Attorney for (Plaintiff/Defendant)

ABC Law Firm

123 South Street

Charleston, WV 25301

Telephone: (304) 123-4567

Fax: (304)123-4567

E-mail: judith_attorney@law.com

- c. Documents that are electronically filed and require original signatures other than that of the filing party must be maintained in paper form by the filing party until 1 year after all time periods for appeals expire. On request of the Court, the filing party must provide original documents for review.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a document in District Court is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The Clerk's Office will document the receipt of fees on the docket. The Court will not maintain electronic billing or debit accounts for lawyers or law firms.

E. ORDERS.

- 1. Any order signed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket conventionally.
- 2. Proposed orders may be submitted by attaching each proposed order to the respective motion. However, do not use the word PROPOSED in the title of the order. The filing party will use the word

PROPOSED with the description for the attachment to the document using one of the docket event categories prescribed by the Court.

3. When mailing paper copies of an electronically filed order to a party who is not a registered participant of ECF, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

F. TITLE OF DOCKET ENTRIES. The party electronically filing a document shall be responsible for selecting a docket entry title for the document by using one of the docket event categories prescribed by the Court.⁸

G. CORRECTING DOCKET ENTRIES.

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. ECF will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to refile the document.**
3. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document

⁸ Readers may view the "CM/ECF Civil Menu for Attorneys" on the Court's web site, <http://www.wvsc.uscourts.gov/district/index.htm>

number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. The filing party will be advised *if* the document needs to be refiled.

H. TECHNICAL FAILURES. The Clerk's Office shall deem the Southern District of West Virginia CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 9:00 a.m. that day. Known systems outages will be posted on the web site, if possible.

1. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must take the necessary steps to effectuate the filing.
2. A filing party whose filing is made untimely may seek appropriate relief from the Court.

I. PRIVACY.

1. Redacted Documents. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, and to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where

inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits thereto, whether filed electronically or traditionally on paper, unless otherwise ordered by the Court:

- a. **Social Security numbers.** If an individual's Social Security number must be included in a document, only the last four digits of that number should be used.
- b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- c. **Dates of birth.** If an individual's date of birth must be included in a document, only the year should be used.
- d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. Other data as permitted by order of the Court.

In addition, counsel should exercise caution when filing documents that contain the following:

- a. Personal identifying number, such as driver's license number;
- b. Medical records, treatment and diagnosis;
- c. Employment history;
- d. Individual financial information; and
- e. Proprietary or trade secret information.

2. Restricted Access to Key Documents. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified in I(1) above may:

(a) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under sealed or restricted document access, and may be amended as of right. It shall be retained by the Court as part of the record. (This is the preferred method); or

(b) file an unredacted document under seal. This document shall be retained by the Court as part of the record.

To reduce the volume of sealed papers filed with the Clerk's Office, our Court has established events with sealed or restricted document access for certain types of documents. With this mechanism, a party filing any of the documents listed in section 2.b. below shall select the appropriate event with the restricted access that applies to the documents being filed.

- a. Documents filed via a restricted access event do not require redaction. The Court will not retain a paper copy of any document filed via a restricted access event.
- b. Restricted access documents/events shall include but are not limited to :

- personal identifying number, such as a driver's license number, social security number, etc.
- medical records, treatments and diagnoses
- employment histories
- individual financial information
- proprietary information or trade secrets

3. Unredacted Documents. A party may file under seal a document containing the unredacted personal data identifiers listed above only with leave of the Court. Filers must first consider filing via restricted access before seeking leave of Court to file under seal.
 - a. The party seeking to file an unredacted document may, but is not required to, file electronically a motion or application to file the document under seal pursuant to the E-Government Act of 2002. A sealed motion or application not filed electronically shall be presented in conventional format to the chambers of the assigned United States magistrate or district judge along with a proposed order to seal.
 - b. If the assigned judge grants the motion or application, the judge's chambers shall then submit the unredacted paper document and order to seal to the Clerk's Office. The paper document must have a cover page or notation on the first page stating the following: "Document filed under seal pursuant to the E-Government Act." The Court will retain this paper

document as part of the record until such time as it is unsealed and loaded into CM/ECF.

c. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.

3. The Court strongly urges counsel to share the Notice of Electronic Availability of Case File Information posted to this Court's external website with all clients so that an informed decision about the inclusion of certain materials may be made. **If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all documents comply with the rules of this Court requiring redaction of personal data identifiers. The Clerk's Office will not review each document for redaction** and thereby restrict access or seal documents containing personal data identifiers, or redact documents, whether filed electronically or on paper.

III. CONVENTIONAL FILING OF DOCUMENTS. The Court, upon application, may authorize conventional filing of other documents otherwise subject to these procedures.

A. PRO SE FILERS. Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents that must be signed or that require either verification or an unsworn declaration under any rule or statute. The Clerk's Office will scan these original documents into

ECF, but will also maintain a file of those documents submitted only on paper.

B. SOCIAL SECURITY CASES. Social security cases have restricted access for all documents limited to counsel and court staff. The public may view these files at the public terminal in the Clerk's office. Absent a showing of good cause, all documents, notices, and orders in social security reviews filed in the District Court shall be filed and noticed electronically, except as noted below.

1. The complaint and other documents typically submitted at the time a social security case is filed initially will be filed electronically and served according to II(A) of these procedures. A form Complaint for Review of the Decision of the Commissioner of Social Security and a Personal Data Identification Form are posted to this Court's external website for use in Social Security cases.
2. The certified copy of the administrative transcript is exempt from the court's civil case redaction requirements. Social security transcripts will be electronically filed with the Clerk. However, counsel for the defendant will still provide a paper copy of the social security transcript to the United States magistrate judge to whom the case is assigned or referred and to counsel for the plaintiff.
3. All other documents in the case, including briefs, will be filed and served electronically unless the Court otherwise orders.

4. To address the privacy issues inherent in a social security review, Internet access to the individual documents will be limited to counsel, Court staff, and public access at the public terminal in the Clerk's office. Docket sheets, however, will be available over the Internet to non-parties with PACER subscriptions.

IV. EXHIBITS. This section applies to exhibits to documents being filed in CM/ECF and not to trial exhibits. Trial exhibits may be filed electronically only to the extent practicable.

1. A filing party must convert exhibits attached to documents to PDF.
2. ECF will reject any document that is larger than two megabytes. Filing parties must submit PDF files that are larger than two megabytes by separating the large document into smaller sections, each section being no larger than two megabytes.
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties should configure their scanners to scan documents at 200 dpi and in black and white rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to ECF. If at any time the color photograph exceeds two megabytes, however, ECF will reject the color photograph.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the Court.
5. Exhibits submitted conventionally shall be served on other parties as if not subject to these procedures.

V. PUBLIC ACCESS TO ECF DOCKET

- A. PUBLIC ACCESS AT THE COURT.** Electronic access to the electronic docket and documents (except restricted access documents) filed in ECF is available for viewing to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1920.
- B. INTERNET ACCESS.** Remote electronic access to ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (PACER) system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.
- C. CONVENTIONAL COPIES AND CERTIFIED COPIES.** Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

FORM A

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

ELECTRONIC CASE FILING SYSTEM ATTORNEY REGISTRATION FORM PLEASE TYPE

This form shall be used to register for accounts on the Court's Case Management/Electronic Files (CM/ECF) systems (District Court Only). Registered attorneys and other participants will have privileges both to electronically submit documents and to view and retrieve electronic docket sheets and documents as available for cases assigned to the CM/ECF systems. The following information is required for registration:

First/Middle/Last Name: _____

Last Four Digits of Social Security Number: _____

Attorney Bar # and State: _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

Additional E-Mail Addresses: _____

Does your E-mail Software support HTML messages? Yes _____ No _____

Date and Place of CM/ECF Training: _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. ECF is for use only in cases designated by the U.S. Courts for the Southern District of West Virginia. ECF may be used to file and view electronic documents, docket sheets, and notices.
2. Each attorney seeking to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. Additionally, attorneys filing in the U.S. District Court must complete a Credit/Debit Card Authorization Form. An attorney's password issued by the Court combined with the user's identification (login), serves as and constitutes the attorney's signature. Therefore, an attorney must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised in any way, such as resignation or reassignment of the person to whom the attorney has given authority to use the password, it is the duty and responsibility of the attorney to immediately notify the Court. The Court will immediately delete the password from the electronic filing system and issue a new password.
3. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion and other paper (except creditor lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.

4. I hereby authorize the U.S. District Court to make charge upon the credit card I have provided for any applicable fees required in conjunction with filings I make. I understand that it is my responsibility to provide the U.S. District Court for the Southern District of West Virginia with any changes to my credit card information and failure to do so may result in temporary loss of my login to ECF. Government attorneys are exempt from this provision.
5. Registration as a Filing User constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D); (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Notice by electronic means is complete as set forth in the Standing Orders and Administrative Procedures of this Court.
6. A user accesses court information via the Court's Internet site or through the Public Access to Court Electronic Records (PACER) Service Center. Although the Court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER login is required in addition to the password issued by the Court. To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (<http://pacer.psc.uscourts.gov>).
7. By this registration, the undersigned asserts that s/he has undergone CM/ECF training at the date and place listed on page One of this form and agrees to abide by all of the rules and regulations in the most recent General Order, *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* currently in effect and any changes or additions that may be made to such *Administrative Procedures* in the future.
8. To be issued a login and password, you must a) complete in-house training at West Virginia Southern District Court in Charleston or any other U.S. district court in the nation, **OR** 2) complete an on-line tutorial in another U.S. district court and have at least six-months experience using CM/ECF.

Out-of-state attorneys who are not members of the West Virginia state bar: In addition to the above listed requirements applicable to all attorney-applicants, you must comply with the Administrative Procedures for this Court and the Local Rules for Attorney Admission to obtain a password and login. The password and login will be temporary, for use in specified cases, and you must have local counsel associated with each case. Additionally, please provide the following information:

Have you completed CM/ECF training in any US district court? Yes ____ No ____

If yes:

Court/District: _____

Date of training: _____

Who is your local counsel? _____

Name of the case for which you are seeking a CM/ECF login and password:

Case Number: _____

**Please return completed form to: United States District Court
Southern District of West Virginia
Attn: DISTRICT CM/ECF Registration/William R. Hinerman
300 Virginia Street East, Room 2400
Charleston, WV 25301**

Date

Attorney Signature

We will email your login and password to you at the email address listed on page one of this form.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CREDIT CARD BLANKET AUTHORIZATION FORM
(FOR ATTORNEY USE - PRINT OR TYPE ONLY)

I hereby authorize the United States District Court for the Southern District of West Virginia to charge the credit card(s) identified below for payment of fees, costs and expenses that are incurred by me or by the authorized users that I have listed below. ***I understand that I do not need this form if I do not intend to incur such costs.*** This form must be signed by the person whose signature appears on the back of the credit card.

Individual or Firm Name (print) _____

Address on card: Street or POB _____

City, State, Zip: _____

Telephone Number: _____ Facsimile Number: _____

Credit Card Holder Name: _____

Names of persons within your firm who are authorized to use the credit card(s)/account number(s) that you have provided:

American Express Account No.: _____ Exp. Date: _____

Visa Account No.: _____ Exp. Date: _____

MasterCard Account No.: _____ Exp. Date: _____

Discover Account No.: _____ Exp. Date: _____

Name of person who you wish to receive receipts for payment: _____

In the event the charge against this account is denied, we will notify you immediately to make payment in cash, money order or certified check. Any abuse of this privilege may result in your removal from the credit card program.

AUTHORIZED SIGNATURE

DATE

*This form will remain on file in a secure location with this office and will remain in effect until specifically revoked in writing by the person with authority to cause such revocation and/or the expiration date of the card has passed. It is the responsibility of the law firm named above to complete a new **credit card blanket authorization** when a credit card has been renewed, revoked, canceled or stolen and when a person or persons are added or deleted from this authorization. **Completion of this form is not necessary for purposes of filing in CM/ECF unless and until the filing attorney intends to incur fees, costs, or expenses.***

Please return completed form to: United States District Court,
Southern District of West Virginia
Attn: CM/ECF Registration
300 Virginia Street East, Room 2400
Charleston, WV 25301

FORM C

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

SAMPLE FORMATS - CERTIFICATE OF SERVICE

Sample A

I hereby certify that on ____ (Date) ____, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____.

s/ _____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

Sample B

I hereby certify that on ____ (Date) ____, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____.

s/ _____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address